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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/615,233 | 07/09/2003 | Bor-Haw Chang | CHAN3208/EM | 8393 |
| 23364 | 7590 | 12/01/2004 | EXAMINER | |
| BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314 | | | WHITE, DWAYNE J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3745 | |

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,233

Applicant(s)

CHANG ET AL.

Examiner

Dwayne J White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/606,739 in view of Chen et al. (6,386,276). Although the conflicting claims are not identical, they are not patentably distinct from each other. Claim 1 of the application ('739) in view of Chen et al. "anticipates application ('233) claim 1. Accordingly, application ('233) claim 1 is not patentably distinct from application ('739) claim 1. Here application ('739) claim 1 requires an outlet airflow direction control unit, comprising: frame having an inlet and an outlet, said outlet being provided on a peripheral wall with a plurality of radially projected fluid control elements; a fan being supported in said frame; whereby when said fan is rotated to cause an amount fluid to flow into and out of said frame via said inlet and said outlet, respectively, said fluid control elements provided in said frame are adapted to control a flow direction flown said fluid flown out of said outlet.

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Chen et al. teach an outlet airflow direction control device comprising a frame 5 and a fan 2 wherein the frame is internally provided at its outlet with a hub seat 6. Since both application ('739) claim 1 and Chen et al. disclose outlet airflow direction control devices, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the frame of application ('739) claim 1, with the teachings of Chen et al., by providing a hub seat at the outlet of the frame for the purpose of mounting the fan to the frame.

Application ('233) claim 1 only requires an outlet airflow direction control device, comprising a frame and a fan; said frame having an inlet and an outlet and being internally provided at said outlet with a hub seat, said hub seat at said outlet being provided on peripheral wall with plurality radially projected fluid control elements; and said fan being frame; supported on said hub seat of said whereby when said fan is rotated to cause an amount of fluid flow into and out of said frame via said inlet and said outlet, respectively, said fluid control elements are adapted control a said frame. Thus it is apparent that application ('233) claim 1 is unpatentable over application ('739) claim 1 in view of Chen et al. Following the rationale in *In re Goodman* cited in the preceding paragraph, where applicant has once been granted a patent containing a claim for the specific or narrower invention, applicant may not then obtain a second patent with a claim for the generic or broader invention without first submitting an appropriate terminal disclaimer. Note that since application ('233) claim 1 is anticipated by application ('739) claim 1 and since anticipation is the epitome of obviousness, then Application ('233) claim 1 is obvious over application ('739) claim 1.

This is a provisional obviousness-type double patenting rejection.

Claim 2 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of copending Application No. 10/606739 in view of Chen et al. (6,386,276). Although the conflicting claims are not identical, they are not patentably distinct from each other. Claim 2 of the application ('739) in view of Chen et al. "anticipates application ('233) claim 2. Accordingly, application ('233) claim 2 is not patentably distinct from application ('739) claim 2. Here application ('739) claim 2 requires an outlet airflow direction control unit, comprising: frame having an inlet and an outlet, said outlet being provided on a peripheral wall with a plurality of radially projected fluid control elements; a fan being supported in said frame; whereby when said fan is rotated to cause an amount fluid to flow into and out of said frame via said inlet and said outlet, respectively, said fluid control elements provided in said frame are adapted to control a flow direction flown said fluid flown out of said outlet, wherein said fluid control elements are control blades.

Chen et al. teach an outlet airflow direction control device comprising a frame 5 and a fan 2 wherein the frame is internally provided at its outlet with a hub seat 6. Since both application ('739) claim 2 and Chen et al. disclose outlet airflow direction control devices, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the frame of application ('739) claim 2, with the teachings of Chen et al., by providing a hub seat at the outlet of the frame for the purpose of mounting the fan to the frame.

Application ('233) claim 2 only requires an outlet airflow direction control device, comprising a frame and a fan; said frame having an inlet and an outlet and being internally provided at said outlet with a hub seat, said hub seat at said outlet being provided on peripheral wall with plurality radially projected fluid control elements; and said fan being frame; supported

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on said hub seat of said whereby when said fan is rotated to cause an amount of fluid flow into and out of said frame via said inlet and said outlet, respectively, said fluid control elements are adapted control a said frame, wherein said fluid flow control elements are control blades. Thus it is apparent that application ('233) claim 2 is unpatentable over application ('739) claim 2 in view of Chen et al. Following the rationale in In re Goodman cited in the preceding paragraph, where applicant has once been granted a patent containing a claim for the specific or narrower invention, applicant may not then obtain a second patent with a claim for the generic or broader invention without first submitting an appropriate terminal disclaimer. Note that since application ('233) claim 2 is anticipated by application ('739) claim 2 and since anticipation is the epitome of obviousness, then Application ('233) claim 2 is obvious over application ('739) claim 2.

This is a provisional obviousness-type double patenting rejection.

Claim 3 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of copending Application No. 10/606,739 in view of Chen et al. (6,386,276). Although the conflicting claims are not identical, they are not patentably distinct from each other. Claim 3 of the application ('739) in view of Chen et al. "anticipates application ('233) claim 3. Accordingly, application ('233) claim 3 is not patentably distinct from application ('739) claim 3. Here application ('739) claim 3 requires an outlet airflow direction control unit, comprising: frame having an inlet and an outlet, said outlet being provided on a peripheral wall with a plurality of radially projected fluid control elements; a fan being supported in said frame; whereby when said fan is rotated to cause an amount fluid to flow into and out of said frame via said inlet and said outlet, respectively, said

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fluid control elements provided in said frame are adapted to control a flow direction flow said fluid flow out of said outlet, wherein said fluid control elements are ribs.

Chen et al. teach an outlet airflow direction control device comprising a frame 5 and a fan 2 wherein the frame is internally provided at its outlet with a hub seat 6. Since both application ('739) claim 3 and Chen et al. disclose outlet airflow direction control devices, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the frame of application ('739) claim 2, with the teachings of Chen et al., by providing a hub seat at the outlet of the frame for the purpose of mounting the fan to the frame.

Application ('233) claim 3 only requires an outlet airflow direction control device, comprising a frame and a fan; said frame having an inlet and an outlet and being internally provided at said outlet with a hub seat, said hub seat at said outlet being provided on peripheral wall with plurality radially projected fluid control elements; and said fan being frame; supported on said hub seat of said whereby when said fan is rotated to cause an amount of fluid flow into and out of said frame via said inlet and said outlet, respectively, said fluid control elements are adapted control a said frame, wherein said fluid flow control elements are control blades. Thus it is apparent that application ('233) claim 3 is unpatentable over application ('739) claim 3 in view of Chen et al. Following the rationale in *In re Goodman* cited in the preceding paragraph, where applicant has once been granted a patent containing a claim for the specific or narrower invention, applicant may not then obtain a second patent with a claim for the generic or broader invention without first submitting an appropriate terminal disclaimer. Note that since application ('233) claim 3 is anticipated by application ('739) claim 3 and since anticipation is the epitome of obviousness, then Application ('233) claim 3 is obvious over application ('739) claim 3

This is a provisional obviousness-type double patenting rejection.

Claim 4 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of copending Application No. 10/606,739 in view of Chen et al. (6,386,276). Although the conflicting claims are not identical, they are not patentably distinct from each other. Claim 4 of the application ('739) in view of Chen et al. "anticipates application ('233) claim 4. Accordingly, application ('233) claim 4 is not patentably distinct from application ('739) claim 4. Here application ('739) claim 4 An outlet airflow direction control unit comprising: frame having an inlet and an outlet, said inlet being provided on a peripheral wall with a plurality of radially projected fluid control elements; and a fan being supported in said frame; whereby when said fan is rotated to cause an amount fluid to flow into and of said frame said inlet and said outlet, respectively, said fluid control elements provided in said frame are adapted to control a flow direction of said fluid flown out of said outlet.

Chen et al. teach an outlet airflow direction control device comprising a frame 5 and a fan 4 wherein the frame is internally provided at its outlet with a hub seat 6. Since both application ('739) claim 4 and Chen et al. disclose outlet airflow direction control devices, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the frame of application ('739) claim 1, with the teachings of Chen et al., by providing a hub seat at the outlet of the frame for the purpose of mounting the fan to the frame.

Application ('233) claim 4 requires an outlet airflow direction control device comprising a frame and fan; said frame having an inlet and an outlet and being internally provided at said

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outlet with a hub seat; both said frame and said hub seat at said outlet being provided on respective peripheral wall with a plurality radially projected fluid control elements; and said fan being supported on said hub seat of said frame; whereby when said fan is rotated to cause an amount fluid flow into and out of said frame via said inlet and said outlet, respectively, said fluid control elements are adapted to control a flow direction of said fluid flown out of said outlet of said frame. Thus it is apparent that application ('233) claim 4 is unpatentable over application ('739) claim 4 in view of Chen et al. Following the rationale in In re Goodman cited in the preceding paragraph, where applicant has once been granted a patent containing a claim for the specific or narrower invention, applicant may not then obtain a second patent with a claim for the generic or broader invention without first submitting an appropriate terminal disclaimer. Note that since application ('233) claim 4 is anticipated by application ('739) claim 4 and since anticipation is the epitome of obviousness, then Application ('233) claim 4 is obvious over application ('739) claim 4.

This is a provisional obviousness-type double patenting rejection.

Claim 5 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of copending Application No. 10/606,739 in view of Chen et al. (6,386,276). Although the conflicting claims are not identical, they are not patentably distinct from each other. Claim 5 of the application ('739) in view of Chen et al. "anticipates application ('233) claim 5. Accordingly, application ('233) claim 5 is not patentably distinct from application ('739) claim 5. Here application ('739) claim 5 An outlet airflow direction control unit comprising: frame having an inlet and an outlet, said inlet

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being provided on a peripheral wall with a plurality of radially projected fluid control elements; and a fan being supported in said frame; whereby when said fan is rotated to cause an amount fluid to flow into and of said frame said inlet and said outlet, respectively, said fluid control elements provided in said frame are adapted to control a flow direction of said fluid flown out of said outlet, wherein said fluid control elements are control blades.

Chen et al. teach an outlet airflow direction control device comprising a frame 5 and a fan 5 wherein the frame is internally provided at its outlet with a hub seat 6. Since both application ('739) claim 5 and Chen et al. disclose outlet airflow direction control devices, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the frame of application ('739) claim 5, with the teachings of Chen et al., by providing a hub seat at the outlet of the frame for the purpose of mounting the fan to the frame.

Application ('233) claim 5 requires an outlet airflow direction control device comprising a frame and fan; said frame having an inlet and an outlet and being internally provided at said outlet with a hub seat; both said frame and said hub seat at said outlet being provided on respective peripheral wall with a plurality radially projected fluid control elements; and said fan being supported on said hub seat of said frame; whereby when said fan is rotated to cause an amount fluid flow into and out of said frame via said inlet and said outlet, respectively, said fluid control elements are adapted to control a flow direction of said fluid flown out of said outlet of said frame, wherein said fluid control elements are control blades. Thus it is apparent that application ('233) claim 5 is unpatentable over application ('739) claim 5 in view of Chen et al. Following the rationale in *In re Goodman* cited in the preceding paragraph, where applicant has once been granted a patent containing a claim for the specific or narrower invention, applicant

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may not then obtain a second patent with a claim for the generic or broader invention without first submitting an appropriate terminal disclaimer. Note that since application ('233) claim 5 is anticipated by application ('739) claim 5 and since anticipation is the epitome of obviousness, then Application ('233) claim 5 is obvious over application ('739) claim 5.

This is a provisional obviousness-type double patenting rejection.

Claim 6 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of copending Application No. 10/606,739 in view of Chen et al. (6,386,276). Although the conflicting claims are not identical, they are not patentably distinct from each other. Claim 6 of the application ('739) in view of Chen et al. "anticipates application ('233) claim 6. Accordingly, application ('233) claim 6 is not patentably distinct from application ('739) claim 6. Here application ('739) claim 6 an outlet airflow direction control unit comprising: frame having an inlet and an outlet, said inlet being provided on a peripheral wall with a plurality of radially projected fluid control elements; and a fan being supported in said frame; whereby when said fan is rotated to cause an amount fluid to flow into and of said frame said inlet and said outlet, respectively, said fluid control elements provided in said frame are adapted to control a flow direction of said fluid flown out of said outlet, wherein said fluid control elements are ribs.

Chen et al. teach an outlet airflow direction control device comprising a frame 5 and a fan 6 wherein the frame is internally provided at its outlet with a hub seat 6. Since both application ('739) claim 6 and Chen et al. disclose outlet airflow direction control devices, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to

modify the frame of application ('739) claim 6, with the teachings of Chen et al., by providing a hub seat at the outlet of the frame for the purpose of mounting the fan to the frame.

Application ('233) claim 6 requires an outlet airflow direction control device comprising a frame and fan; said frame having an inlet and an outlet and being internally provided at said outlet with a hub seat; both said frame and said hub seat at said outlet being provided on respective peripheral wall with a plurality radially projected fluid control elements; and said fan being supported on said hub seat of said frame; whereby when said fan is rotated to cause an amount fluid flow into and out of said frame via said inlet and said outlet, respectively, said fluid control elements are adapted to control a flow direction of said fluid flown out of said outlet of said frame, wherein said fluid control elements are ribs. Thus it is apparent that application ('233) claim 6 is unpatentable over application ('739) claim 6 in view of Chen et al. Following the rationale in *In re Goodman* cited in the preceding paragraph, where applicant has once been granted a patent containing a claim for the specific or narrower invention, applicant may not then obtain a second patent with a claim for the generic or broader invention without first submitting an appropriate terminal disclaimer. Note that since application ('233) claim 6 is anticipated by application ('739) claim 6 and since anticipation is the epitome of obviousness, then Application ('233) claim 6 is obvious over application ('739) claim 6.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (6,386,276). Chen et al. disclose an outlet airflow direction control device, comprising a frame 5 and a fan 2; said frame having an inlet and an outlet and being internally provided at said outlet with a hub seat 6, said hub seat and frame at said outlet being provided on peripheral wall with plurality radially projected fluid control elements (see figure 1); and said fan being supported on said hub seat of said frame whereby when said fan is rotated to cause an amount of fluid flow into and out of said frame via said inlet and said outlet, respectively, said fluid control elements provided in said frame are adapted to control a flow direction of said fluid flow out of said outlet, wherein said fluid control elements are control blades. Since applicant has not specified what constitutes a control rib above the dictionary definition, it is the position of the Examiner that the control blades of Chen et al. could also be considered control “ribs”.

Claims 7-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (6,244,818). Chang discloses an outlet airflow direction control device comprising a frame 501 and a fan 51; said frame having an inlet and an outlet and being internally provided at said inlet with a hub seat; both said frame and said hub seat at said inlet being provided on respective peripheral walls with a plurality of radially projected fluid control elements 503; and said fan being supported on said hub seat of said frame; whereby when said fan is rotated to cause an amount of fluid to flow into and out of said frame via said inlet and said outlet, respectively, said fluid control elements are adapted to control a flow direction of said fluid flow out of said outlet of said frame (column 4, lines 5-8 and 30-37).

CONCLUSION

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Amr (6,045,327) discloses an axial fan assembly wherein the frame has a plurality of control blades connected at its outlet and a hub seat.

Zeighami et al. (6,508,621) discloses an outlet airflow direction control device comprising fluid control elements disposed in the frame at the inlet and outlet of the fan.

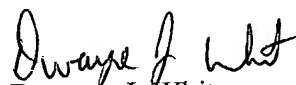
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne J White whose telephone number is (571) 272-4825. The examiner can normally be reached on 7:30 am to 5 pm T-F and alternate Mondays.

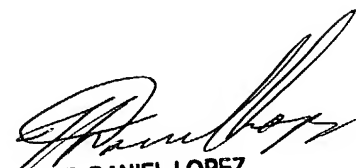
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (703) 308-1044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dwayne J. White
Patent Examiner
Art Unit 3745

DJW


F. DANIEL LOPEZ
PRIMARY EXAMINER